THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.18759 of 1997

Dated: 07.3.2007

Between:

A.P.State Cooperative Marketting Federation Ltd.,
Rep by General Manager, Hyderabad.

… Petitioner

AND

Industrial Tribunal-cum-Labour Court,
Godavarikhani, Kareemnagar district.

And another.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

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ORDER:

This writ petition is filed questioning the award of the Industrial Tribunal-cum-Labour Court, Godavari khani (the first respondent) whereby it has directed payment of compensation of Rs.23,760/- in lieu of reinstatement of respondent No.2, who was held to have been illegally retrenched in violation of Section 25-F of the Industrial Disputes Act 1947.

The second respondent who was engaged on NMR basis from 1982 to 30.3.1990 was retrenched without giving any notice or payment of compensation in lieu of notice as envisaged under Section 25-F of the Industrial Disputes Act 1947. This has given rise to I.D.No.134 of 1994 before the first respondent. After considering the evidence placed on record the first respondent has held that the retrenchment of the second respondent was in violation of Section25-F of the Industrial Disputes Act. However, having regard to the material placed before the first respondent that as there was possibility of closing of the plant, it has directed payment of compensation which is equal to two years wages arrived at Rs.23,760- in lieu of reinstatement.

The learned counsel for the petitioner fairly submitted that as

regards the finding relating to the nature of retrenchment given by the first respondent as the same was based on appreciation of the evidence available on record, he is not advancing any contention to question the said finding. However, he submitted that the quantum of compensation directed to be paid in lieu of reinstatement is on a high side.

Having considered the contention of the learned counsel for the petitioner, I am of the view that the second respondent had put in substantial period of service, i.e., 8 years of temporary service before she was illegally retrenched. The Industrial Tribunal is therefore justified in directing payment of two years wages in lieu of reinstatement and in my considered view the quantification done by the first respondent is not unreasonable or unjustified.

There are no merits in the writ petition and hence, the writ petition is dismissed. No order as to costs.

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C.V.NAGARJUNA REDDY,J

Dt:07.3.2007
Mdaa.